

cal year to carry out an eligible wildlife conservation and appreciation project under this section—

- (1) may not exceed \$250,000;
- (2) may not exceed one third of the total project cost for that fiscal year;
- (3) may not exceed 40 percent of the total project cost for that fiscal year if designated State agencies from two or more States cooperate in implementing such a project; and
- (4) may not be used to defray the administrative cost of State programs.

**(e) Non-Federal share of projects**

**(1) State share**

Of the total cost each fiscal year of each project carried out with amounts provided by the Secretary under subsection (a) of this section, at least  $\frac{1}{3}$  shall be paid with amounts from State, non-Federal sources, except that if designated State agencies from 2 or more States cooperate in implementing such a project at least 30 percent shall be paid with amounts from such State, non-Federal sources. Payments required by this paragraph may not be in the form of an in-kind contribution.

**(2) Private share**

Of the total cost each fiscal year of each project carried out with amounts provided by the Secretary under subsection (a) of this section, at least  $\frac{1}{3}$  shall be paid with amounts from voluntary contributions by private entities or persons, except that if designated State agencies from 2 or more States cooperate in implementing such a project, at least 30 percent shall be paid from such sources. Subject to the approval of the Secretary, such contributions for a project may be in the form of, but are not required to be limited to, private cash donations, and the contribution of materials, equipment, or services necessary for the project.

**(f) Eligibility of designated State agencies**

No designated State agency shall be eligible to receive matching funds from the Wildlife Conservation and Appreciation Fund if revenue derived from activities regulated by such an agency is diverted for any purpose other than the management and conservation of fish and wildlife. Such revenue shall include, but not be limited to, all income from the sale of hunting, fishing and trapping licenses; all income from nongame checkoff systems; all income from the sale of waterfowl, habitat conservation, and other stamps that are requisite for engaging in certain activities regulated by the designated State agency; all income from the sale of any commodities and products by the designated State agency from lands and waters administered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

**(g) Establishment of Fund**

(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects.

**(h) Authorization of appropriations**

There are authorized to be appropriated to the Fund and to the Secretary for each of fiscal years 1992 through 1998 not to exceed \$6,250,000.

(Pub. L. 102-587, title VII, §7105, Nov. 4, 1992, 106 Stat. 5097; Pub. L. 103-375, §6(4)-(7), Oct. 19, 1994, 108 Stat. 3495, 3496.)

AMENDMENTS

1994—Subsec. (d)(5). Pub. L. 103-375, §6(4), struck out par. (5) which read as follows: “may not exceed the State share of the cost of implementing such a project.”

Subsec. (e). Pub. L. 103-375, §6(5), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.”

Subsec. (g)(2). Pub. L. 103-375, §6(6)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall deposit into the Fund—

“(A) amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects; and

“(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.”

Subsec. (g)(3), (4). Pub. L. 103-375, §6(6)(B), struck out pars. (3) and (4) which read as follows:

“(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

“(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 percent shall have been donated to the Fund by the National Fish and Wildlife Foundation.”

Subsec. (h). Pub. L. 103-375, §6(7), substituted “1998” for “1995” and struck out before period at end “to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3743 of this title.

**CHAPTER 58—ERODIBLE LAND AND WETLAND CONSERVATION AND RESERVE PROGRAM**

SUBCHAPTER I—DEFINITIONS

Sec.  
3801. Definitions.

SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION

3811. Program ineligibility.  
3812. Exemptions.

- (a) Persons eligible for program benefits in connection with production or reduced production of crops on certain lands; eligibility based upon compliance with conservation plan by January 1, 1995; minimization of documentation.

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| <p>Sec.</p> <p>(b) Persons eligible for program benefits in connection with production of certain planted crops or production of crops on highly erodible land.</p> <p>(c) Ineligibility for loans and payments under section 3811.</p> <p>(d) Program ineligibility inapplicable to pre-December 23, 1985, section 3811 loans.</p> <p>(e) Limitations on ineligibility for tenants.</p> <p>(f) Graduated sanctions.</p> <p>(g) Preparation or revision of conservation plan.</p> <p>(h) Noncommercial production of agricultural commodities.</p> <p>3812a. Development and implementation of conservation plans and conservation systems.</p> <p>(a) Technical requirements.</p> <p>(b) Measurement of erosion reduction.</p> <p>(c) Residue measurement.</p> <p>(d) Certification of compliance.</p> <p>(e) Technical assistance.</p> <p>(f) Encouragement of on-farm research.</p> <p>3813. Soil surveys.</p> <p>3814. Notice and investigation of possible compliance deficiencies.</p> <p>(a) In general.</p> <p>(b) Corrective action.</p> <p>(c) Review.</p> <p style="text-align: center;">SUBCHAPTER III—WETLAND CONSERVATION</p> <p>3821. Program ineligibility.</p> <p>(a) Production on converted wetland.</p> <p>(b) Ineligibility for certain loans and payments.</p> <p>(c) Wetland conversion.</p> <p>(d) Prior loans.</p> <p>3822. Delineation of wetlands; exemptions.</p> <p>(a) Delineation by Secretary.</p> <p>(b) Exemptions.</p> <p>(c) On-site inspection requirement.</p> <p>(d) Identification of minimal effect exemptions.</p> <p>(e) Nonwetlands.</p> <p>(f) Minimal effect; mitigation.</p> <p>(g) Mitigation appeals.</p> <p>(h) Good faith exemption.</p> <p>(i) Restoration.</p> <p>(j) Determinations; restoration and mitigation plans; monitoring activities.</p> <p>(k) Mitigation banking program.</p> <p>3823. Affiliated persons.</p> <p>3824. Fairness of compliance.</p> <p style="text-align: center;">SUBCHAPTER IV—AGRICULTURAL RESOURCES CONSERVATION PROGRAM</p> <p style="text-align: center;">PART I—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM</p> <p style="text-align: center;">SUBPART A—GENERAL PROVISIONS</p> <p>3830. Environmental Conservation Acreage Reserve Program.</p> <p>(a) Establishment.</p> <p>(b) Administration.</p> <p>(c) Conservation priority areas.</p> <p style="text-align: center;">SUBPART B—CONSERVATION RESERVE</p> <p>3831. Conservation reserve.</p> <p>(a) In general.</p> <p>(b) Eligible lands.</p> <p>(c) Certain land affected by secretarial action.</p> <p>(d) Maximum enrollment.</p> <p>(e) Duration of contract.</p> <p>(f) Conservation priority areas.</p> <p>(g) Multi-year grasses and legumes.</p> <p>3832. Duties of owners and operators.</p> | <p>Sec.</p> <p>(a) Terms of contract.</p> <p>(b) Conversion plan provisions.</p> <p>(c) Environmental use.</p> <p>(d) Alley cropping.</p> <p>(e) Foreclosure.</p> <p>3833. Duties of Secretary.</p> <p>3834. Payments.</p> <p>(a) Time of cost-sharing and annual rental payments.</p> <p>(b) Federal percentage of cost sharing payments.</p> <p>(c) Annual rental payments; encouragement factor; method of determination; acceptance of contract offers.</p> <p>(d) Cash or in-kind payments.</p> <p>(e) Regulations: payments upon death, disability, or succession.</p> <p>(f) Rental payments fiscal year limitation; regulations; receipt of other payments unaffected; application of limit to payments received by a State, political subdivision, or agency.</p> <p>(g) Contracts unaffected by certain Presidential orders.</p> <p>(h) Cost share assistance.</p> <p>3835. Contracts.</p> <p>(a) Ownership or operation requirement.</p> <p>(b) Sales or transfers; options.</p> <p>(c) Modification; waiver.</p> <p>(d) Termination; notice to Congressional Committees.</p> <p>(e) Termination by owner or operator.</p> <p>3835a. Conversion of land subject to contract to other conserving uses.</p> <p>(a) Conversion to trees.</p> <p>(b) Conversion to wetlands.</p> <p>(c) Limitation.</p> <p>(d) Condition of contract.</p> <p>3836. Base history.</p> <p>(a) Reductions.</p> <p>(b) Basis for participation in other Federal programs.</p> <p>(c) Extension of preservation of cropland base and allotment history.</p> <p>(d) Additional remedy for violations.</p> <p>3836a. Wildlife Habitat Incentive Program.</p> <p>(a) In general.</p> <p>(b) Cost-share payments.</p> <p>(c) Funding.</p> <p style="text-align: center;">SUBPART C—WETLANDS RESERVE PROGRAM</p> <p>3837. Wetlands reserve program.</p> <p>(a) Establishment.</p> <p>(b) Enrollment conditions.</p> <p>(c) Eligibility.</p> <p>(d) Other eligible land.</p> <p>(e) Ineligible land.</p> <p>(f) Termination of existing contract.</p> <p>(g) Easements.</p> <p>3837a. Easements and agreements.</p> <p>(a) In general.</p> <p>(b) Terms of easement.</p> <p>(c) Restoration plans.</p> <p>(d) Compatible uses.</p> <p>(e) Type and length of easement.</p> <p>(f) Compensation.</p> <p>(g) Violation.</p> <p>(h) Restoration cost-share agreements.</p> <p>3837b. Duties of owners.</p> <p>3837c. Duties of Secretary.</p> <p>(a) In general.</p> <p>(b) Cost-share and technical assistance.</p> <p>(c) Acceptability of offers.</p> <p>(d) Easement priority.</p> <p>3837d. Payments.</p> <p>(a) Time of payment.</p> <p>(b) Payments to others.</p> <p>(c) Payment limitation.</p> |
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